IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY
and
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT APPEAL NO : 917 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22.4.2004 made in W.P.No.4830 of 2004 on the file of the High Court.)

Between:
1 M/s. Asra Optical, rep by Partner, Mohd. Abdul Kareem, S/o Mohd. Sharfuddin, R/o H. NO. 20-4-167, Shopping Complex, Shalibanda, Hyderabad
2 Mohd. jahangir Ali S/o Mohd, Abdul Kareem R/o H. NO. 18-2-494, Falaknuma, Hyderabad
3 Mohd. Kaleem Ali, S/o Mohd, Abdul Kareem R/o H. No. 18-2-494, Falaknuma, Hyderabnad
4 Mohd. Mahmood Ali, S/o Mohd, Abdul Kareem R/o H. No. 18-2-494, Falaknuma, Hyderabnad
5 Mohd. Raheem Ali, S/o Mohd, Abdul Kareem R/o H. No. 18-2-494, Falaknuma, Hyderabnad
6 Mohd. Jameel Ali, S/o Mohd, Abdul Kareem R/o H. No. 18-2-494, Falaknuma, Hyderabnad

..... APPELLANTS

AND

1 The Co-operative Tribunal, Office at Chandra Vihar Complex, Moazzam Jahi Road, Hyderabad
2 Arbitrator Appointed under Multi State Co. op. Societies, Act, 2002/Central Registrar of Co-op Societies, at Hyderabad for the BNombay Mercantile Co-op Bank Ltd.,
3 M/s. Bombay Marcantile Co-operative Bank Ltd., Hyderabad, Branch, Hyderabad

.....RESPONDENTS

For the Appellants: MR.A.SATYA PRASAD, Advocate

For the Respondent Nos. 1 and 2 : GP FOR COOPERATION

For the Respondent No.3 :Ms.Dyumani Advocate

The Court Made the Following Order: (per Sri BRSR.J)

The learned counsel for the appellants seeks leave of this Court to withdraw this writ appeal with liberty to prefer an appeal against the impugned order passed by the Arbitrator. Leave is accordingly granted.

If the appellants choose to prefer an appeal against the interlocutory order, it is needless to observe that the same shall be decided on its own merits uninfluenced by the observations, if any made by the learned Single Judge while dismissing the writ petition. The appellants undertake to file an appeal within two weeks from today. The appellants shall have the benefit of the order of Status quo granted by us on 15.6.2004 for a period of two weeks only. If the appellants fail to prefer the appeal, the further proceedings in terms of the order passed by the Arbitrator shall go on. It is needless to observe that the appellants shall not part away with any of the movable and immovable properties in any manner whatsoever until the appeal preferred by them is taken on file by the appellate authority and appropriate orders thereon are passed.

The appeal shall accordingly stand dismissed without costs.

(B.SUDERSHAN REDDY,J)

DT.29..06..2004

(GHULAM MOHAMMED,J)

DEPUTY REGISTRAR

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To

1. One copy to the Hon'ble Sri Justice B.Sudershan Reddy.
2. The Co-operative Tribunal, Office at Chandra Vihar Complex, Moazzam Jahi Road, Hyderabad
3. Arbitrator Appointed under Multi State Co. op. Societies, Act, 2002/Central Registrar of Co-op Societies, at Hyderabad for the BNombay Mercantile Co-op Bank Ltd.,
4. M/s. Bombay Marcantile Co-operative Bank Ltd., Hyderabad, Branch, Hyderabad
5. 2 CCs to G.P for Cooperation, High Court of A.P. Hyderabad (OUT)
6. 2 CD copies